

REMARKS/ARGUMENTS

In the Office Action mailed May 6, 2008 (hereinafter, "Office Action"), claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102. Claims 1, 3, 5, 11, 13 and 15 have been amended.

Applicants respectfully respond to the Office Action.

I. Claims 1-7 and 11-17 Rejected Under 35 U.S.C. § 102

Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by "DigitalDeck Entertainment Network" by DigitalDeck Incorporated (hereinafter, "DDen") whose literature includes DigitalDeck Entertainment Network User Guide (hereinafter, "DDen User Guide") and DigitalDeck Entertainment Network Installation Guide (hereinafter, "DDen Installation Guide"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose all of the subject matter in these claims.

Claim 1 has been amended to recite "wherein said first source-side network adaptor is adapted for indicating to said output selecting module whether a first condition that said first legacy entertainment source is activated by said one or more first commands is true." DDen does not disclose this subject matter.

The DDen system, as best understood, requires manual installation or setup of devices such that the remote control commands that will instruct the DDen system are known before a user would

expect to be able to control a specific device. In contradistinction, the present invention does not require such manual setup and, as a result, it includes a “first source-side network adaptor” that “is adapted for indicating to said output selecting module whether a first condition that said first legacy entertainment source is activated by said one or more first commands is true.” One example in the patent application of an embodiment of activating is powering on. (Patent Specification, page 11, lines 5-17.) Because the invention as claimed in claim 1 is adapted to determine whether or not a legacy entertainment source is activated by one or more of the commands, the DDen system does not anticipate claim 1.

As stated, the DDen system, as best understood, appears to require manual installation or setup of input devices such that the remote control commands that will instruct the input devices are known before a user would expect to be able to control a specific device. The DDen Installation Guide includes a section to “Set Up eDeck Units and Devices in Each Room.” (DDen Installation Guide, pg. 4) That section includes a subsection on how to “Set Up Input Devices.” (DDen Installation Guide, page 8.) In this part of the guide it appears to instruct a user to select the manufacturer name and IR codes as part of this initial setup. The DDen Installation Guide instructs a user as follows:

Set Up Input Devices

1. Press the ▼ arrow button to highlight Input 1 in the Input Devices list.
2. Press the **Select** button to open a list of input device types.
3. Press the ▼ arrow button to highlight the appropriate input device type from the list.
4. Press the **Select** button to display a list of device manufacturer names.
5. Press the ▼ arrow button to highlight the device manufacturer name from the list.
6. Press the **Select** button to select the manufacturer name and display the IR code list.
7. Press the ▼ arrow button to highlight the appropriate IR code from the list.
8. Press the **Select** button to display the IR code test screen.

DDen Installation Guide, pages 8-10.

The above portion of the DDen Installation Guide does not disclose “wherein said first source-side network adaptor is adapted for indicating to said output selecting module whether a first condition that said first legacy entertainment source is activated by said one or more first commands is true.” As shown, the DDen system, as best understood, appears to require manual identification of device manufacturer names and appropriate IR codes. This appears to be done so that the DDen system will be able to control the input devices before a user would expect to be able to control the particular input device.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because DDen does not disclose all of the subject matter of claim 1.

Claims 2-7 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-7 be withdrawn.

Claim 11 includes subject matter similar to the subject matter of claim 1. Accordingly, Applicants respectfully request that the rejection of claim 11 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 12-17 depend either directly or indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 12-17 be withdrawn.

II. Claims 8-10 and 18-20 Rejected Under 35 U.S.C. § 103(a)

Claims 8-10 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DDen in view of “Installing and Configuring the Cisco Secure ACS Appliance,” (hereinafter, “Cisco”) in further view of U.S. Patent No. 4,808,992 to Beyers Jr. et al. (hereinafter, “Beyers”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007)

(citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, “obviousness requires a suggestion of all limitations in a claim.” In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

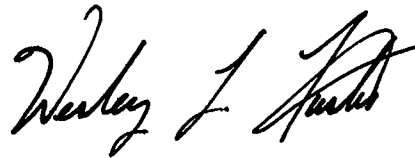
Claims 8-10 depend either directly or indirectly from claim 1. Claims 18-20 depend either directly or indirectly from claim 11. Accordingly, Applicants respectfully request that the rejection of claims 8-10 and 18-20 be withdrawn.

Appl. No. 10/786,704
Amdt. dated August 6, 2008
Reply to Office Action of May 6, 2008

III. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant(s)

Date: August 6, 2008

MADSON & AUSTIN
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: (801) 537-1700